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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,012	02/15/2002	Virinder M. Batra	RSW920010183US1	3519

46320 7590 08/17/2006

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EXAMINER

CHOUDHURY, AZIZUL Q

ART UNIT

PAPER NUMBER

2145

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/077,012	<b>Applicant(s)</b> BATRA ET AL.	
	<b>Examiner</b> Azizul Choudhury	<b>Art Unit</b> 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Detailed Action***

This office action is in response to the correspondence received on June 2, 2006.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "generic" is considered broad and indefinite. The explanation provided within the amendment received on June 2, 2006 does not overcome the rejection. The term "generic," within the phrase, "generic ones of said location-based service adapter objects" is not well known in the art. It is unclear as to what type of location-based service adapter object qualifies as being "generic." In addition, no clear definition is provided within the specifications. Appropriate corrections are required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Requena (US Pat No: US 20020126701A1).

1. With regards to claims 1 and 5, Requena teaches a method of processing requests from location-based service applications for location-based services provided by a plurality of disparate location-based service providers, different ones of said plurality of disparate location-based service providers specifying different formats for receiving said requests, comprising the steps of the location service: receiving requests for location based-services (Requena teaches a design allowing location based services to receive requests from users (paragraphs 12-16, Requena)); determining from each said request a particular location-based service provider which can service said request (paragraphs 15-16, Requena); specifically formatting each said request according to a specific format specified, by said particular location-based service provider (It is inherent in a networking design that data is converted when transferred between two networked devices. Plus see paragraphs 75, 105 and 130, Requena); uniformly formatting each result set produced from corresponding ones of said requests; and, to forwarding said uniformly formatted result sets to the location-based service applications (It is inherent in a networking design that data is converted when transferred between two networked devices. Plus see paragraphs 75, 105 and 130, Requena).

2. With regards to claims 2 and 6, Requena teaches the method wherein said uniformly formatted result sets are result sets which have been formatted according to the Geography Markup Language (GML) (Requena's design allows for the use of Geography Markup Language (paragraph 120, Requena).
3. With regards to claim 3, Requena teaches a common location-based service adapter interface, comprising: a uniform input interface through which location-based services can be requested using a uniform format which is independent of any specific formatting required by a particular service adapter configured to process said location-based services; and, a uniform output interface through which specifically formatted result sets can be formatted using said uniform format, wherein said uniform input interface adapted to be connected to different service adapters specifying different formats for receiving requests (It is inherent in a networking design that data is converted when transferred between two networked devices. Plus see paragraphs 75, 105 and 130, Requena).
4. With regards to claim 4, Requena teaches the common location-based service adapter interface wherein said uniform input interface comprises: a plurality of location-based service adapter objects, each said adapter object being configured to provide said at least one location-based service responsive to receiving a uniformly formatted location-based service request (See paragraphs 12, 15-16, Requena); a location service object configured to provide a reference to a particular

one of said location-based service adapter objects based upon a specified location-based service (See paragraphs 91-92, Requena); and, a plurality of location request objects configured to define location-based service request parameters required by generic ones of said location-based service adapter objects (See paragraphs 91-92, Requena).

### ***Response to Remarks***

The amendment received on June 2, 2006 has been examined but is not deemed fully persuasive. The amendment features no claim amendments, just remarks. The following are the examiner's response to those remarks.

The first point of contention remarked upon by the applicant involves the 112-type rejection. The applicant contends that, "one having ordinary skill in the art would have no difficulty understanding the scope." This along with the rest of the explanation provided within the amendment received on June 2, 2006 does not overcome the rejection. The term "generic," within the phrase, "generic ones of said location-based service adapter objects" is not well known in the art. It is unclear as to what type of location-based service adapter object qualifies as being "generic." In addition, no clear definition is provided within the specifications. Therefore, the 112-type rejection continues to stand.

The second point of contention remarked upon by the applicant involves the feature of "determining from a request a particular location-based service provider that can service the request." The examiner has maintained that Requena teaches such a

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feature within paragraphs 12-16. Within those portions of the disclosure, Requena teaches that "provides access to said spatial location information to one or more location based services." Requena also teaches within the disclosure of the invention within page 1, that such information is provided in response to a request. Applicant contends that the examiner has not met the burden of proof and alleges that inherency was applied with respect to the rejection of this particular feature. Close examination of the office action mailed on March 2, 2006 reveals that the actual rejection placed for the feature of "determining from a request a particular location-based service provider that can service the request" does not rely on inherency. Instead, the rejection for that feature stated then and still does state "Requena teaches a design allowing location based services to receive requests from users (paragraphs 12-16, Requena)." Only within the "response to remarks" portion does the examiner explain that such a feature is well known. Such remarks were only additional explanations and are not the sole rejections. The examiner has thus provided a rejection based on factual support.

The third point of contention remarked upon by the applicant involves the feature of "formatting each said request according to a specific format specified, by said particular location-based service provider." The applicant again alleges that no evidence was provided that data is necessarily converted when transferred between devices. First, in a basic explanation, to send data between two networked devices, data has to be converted from its original format into packet format by the sending device and the receiving device has to convert that packet format into a usable data format. This is the basics of data transferring in networks and is extremely well known

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within the art. Hence, it was stated as being inherent. Support can be found within various sources from the OSI model (easily found within the internet or any introduction to networking book) to RFC documents (RFC 791 for instance which can be found on the internet). In addition, the examiner provided within the previous office action and continues to provide in the current office action the citations within the prior arts supporting the teaching of the claimed feature, as it is currently claimed (see paragraphs 75, 105 and 130, Requena). Requena teaches within paragraph 105 that multiple data formats are supported. To allow the multiple format support, each device must have means by which to convert data from one format to another. Hence, data format conversion means are inherently present and are also taught by Requena.

The fourth point of contention remarked upon by the applicant involves the examiner's statement, "when reading prior art, it is important to not only attain a literal interpretation of the disclosure but to also attain an understanding of the spirit of the design." Support for this statement can be found (as requested by the applicant) within the MPEP in section 2144.01, where it clearly states the following:

*"[I]n considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom." In re Preda, 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968) (A process for catalytically producing carbon disulfide by reacting sulfur vapor and methane in the presence of charcoal at a temperature of "about 750-830°C" was found to be met by a reference which expressly taught the same process at 700°C because the reference recognized the possibility of using temperatures greater than 750°C. The reference disclosed that catalytic processes for converting methane with sulfur vapors into carbon disulfide at temperatures greater than 750°C*



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*(albeit without charcoal) was known, and that 700°C was "much lower than had previously proved feasible."; In re Lamberti, 545 F.2d 747, 750, 192 USPQ 278, 280 (CCPA 1976) (Reference disclosure of a compound where the R-S-R $\phi$  portion has "at least one methylene group attached to the sulfur atom" implies that the other R group attached to the sulfur atom can be other than methylene and therefore suggests asymmetric dialkyl moieties.).*

Inherency is applied when a feature is known to have to exist for the design to function and that is how inherency has been applied, by the examiner, within this and previous office actions.

Finally, the fifth point of contention remarked upon by the applicant involves the claims that were amended in the amendment received on December 15, 2005. The applicant contends that the examiner completely ignored these amendments. The examiner disagrees with this assertion. The "response to remarks" portion of the last office action clearly states that the office action has been revised to clarify the examiner's position. Plus, the rejection portion of the office action also clearly cites the pertinent portions of the prior art believed by the examiner to teach the newly claimed trait features.

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Azizul Choudhury whose telephone number is (571) 272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC



**JASON CARDONE**  
SUPERVISORY PATENT EXAMINER